



07-CV-05055-CMP

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THE CITY OF TACOMA, a municipal
Corporation of the State of Washington,

Plaintiff,

CLARENDON AMERICA INSURANCE
COMPANY, a Delaware Corporation; and
SPECIALTY SURPLUS INSURANCE
COMPANY, an Illinois Corporation,

Defendants.

NO.

C 07-5055

NOTICE OF REMOVAL

Clerk's Action Required

**DEFENDANT SPECIALTY'S NOTICE OF
REMOVAL PURSUANT TO 28 U.S.C. § 1441**

NOW COMES Defendant, SPECIALTY SURPLUS INSURANCE COMPANY
("Specialty"), by and through its attorneys, and pursuant to 28 U.S.C. §§ 1441(a) and 1446, and
respectfully submits this Notice of Removal of the action styled *The City of Tacoma v.*
Clarendon America Insurance Company, and Specialty Surplus Insurance Company, Cause
No. 07-0204167-8, from the Superior Court of the State of Washington, in and for Pierce

ORIGINAL

No Issu. SEA 7/12y

1 County, to the United States District Court for the Western District of Washington, and in
2 support thereof states as follows:

3 1. A civil action brought in a state court of which the district courts of the United
4 States have original jurisdiction may be removed by the defendant to the district court of the
5 United States for the district and division embracing the place where such action is pending. 28
6 U.S.C. § 1441(a).

7 2. 28 U.S.C. § 1446 requires that a defendant desirous of removing a civil action
8 file a notice of removal together with a copy of all process, pleadings and orders served upon
9 such defendant, within 30 days. *See* 28 U.S.C. § 1446(a) and (b).

10 3. On January 8, 2007, the Complaint was served upon Specialty, through service
11 upon the Insurance Commissioner of the State of Washington. A copy of the Complaint and all
12 other papers served upon Specialty are attached as Group Exhibit A.

13 4. The grounds for the instant petition are based upon the original jurisdiction of
14 the U. S. District Court, pursuant to 28 U.S.C. § 1332, which allows the District Court to hear
15 matters based upon the diversity of citizenship of the parties.

16 5. Plaintiff City of Tacoma is a municipal corporation located in the State of
17 Washington.

18 6. Defendant Specialty is a corporation organized under the laws of the State of
19 Illinois, with its principal place of business in the City of Scottsdale, in the State of Arizona.

20 7. Defendant Clarendon America Insurance Company is a corporation organized
21 under the laws of the State of Delaware, with its principal place of business in New York City,
22 in the State of New York. The Complaint seeks recovery in an amount in excess of \$75,000.

9. WHEREFORE, the Defendant, SPECIALTY SURPLUS INSURANCE COMPANY, respectfully submits this Notice of Removal and notifies this Court of its removal of this cause from the from the Superior Court of the State of Washington, in and for Pierce County, pursuant to the provisions of 28 U.S.C. §§ 1441(a) and 1446.

DATED this 6th day of February, 2007.

LEE SMART COOK MARTIN &
PATTERSON, P.S., INC.

By: /s/ Joel E. Wright
Joel E. Wright, WSBA No. 8625
jw@leesmart.com
William R. Kiendl, WSBA No. 23169
wrk@leesmart.com
Of Attorneys for Defendant
Specialty Surplus Insurance Company

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DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that on February 6, 2007, I filed the foregoing pleading with the Clerk of the Court, which office will send notification of such filing using the CM/ECF system to the following:

M. Joseph Sloan Jr.
Office of the City Attorney
Administration Building
3628 South 35th Street
P.O. Box 11007
Tacoma WA 98411
joseph.sloan@cityoftacoma.org

LEE, SMART, COOK, MARTIN
& PATTERSON, P.S., INC.

By: /s/ William R. Kiendl
William R. Kiendl, WSBA No. 23169
wrk@leesmart.com
Of Attorneys for Defendant
Specialty Surplus Insurance Company